

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MARIO ESPINAL,

Defendant.

19-cr-911 (PKC)

ORDER

CASTEL, Senior District Judge:

On October 26, 2021, defendant was sentenced principally to a term of imprisonment of 57 months. (Minute Entry; ECF 93.)

Defendant moved for a sentence reduction (ECF 102) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively.

The United States Probation Department has issued a report indicating that defendant is eligible for a sentence reduction. (ECF 99.)

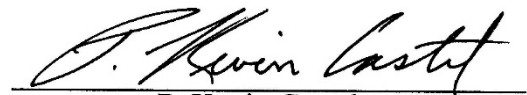
Defendant is not eligible to receive a “Status Points” adjustment because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. He is eligible for a “Zero-Points Offender” reduction because he has zero criminal history points and no disqualifying circumstance applies.

Under Guidelines § 4C1.1, he is eligible to a two-level reduction in his Total Offense Level (“TOL”) which was originally TOL 25 and is now TOL 23. His Criminal History Category remains unchanged. His original Guidelines range was 57-71 months imprisonment and his amended Guideline’s range is 46-57 months imprisonment. Under the Policy Statement found at Guidelines § 1B1.10 (b)(2), the reduction in a case such as this may not be “less than

the minimum of the amended guideline range. . . .” In this instance, the bottom of the amended Guideline’s range is 46 months’ imprisonment.

It is hereby ORDERED that the defendant is eligible for a sentence reduction under Amendment 821 and the motion (ECF 102) is GRANTED to the extent that the term of imprisonment is reduced to 46 months with all other terms and conditions of the original judgment remaining in place. The reduction is effective as of May 8, 2024.

SO ORDERED.

A handwritten signature in black ink, reading "P. Kevin Castel", is written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: April 25, 2024
New York, New York